

HOUSE BILL NO. 24

INTRODUCED BY G. BRANAE

BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE TO ESTABLISH A PERMANENT JOINT SUBCOMMITTEE ON POSTSECONDARY EDUCATION POLICY AND BUDGET; ESTABLISHING THE JOINT SUBCOMMITTEE COMPOSITION AND COMPENSATION AND ESTABLISHING ITS POWERS AND DUTIES; AMENDING SECTION 5-5-224, MCA; PROVIDING APPROPRIATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-5-224, MCA, is amended to read:

**"5-5-224. Education and local government interim committee -- permanent postsecondary education policy and budget joint subcommittee -- appointment and composition -- powers and duties.**

(1) The education and local government interim committee shall act as a liaison with local governments. The ~~education and local government interim~~ committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes:

- (a) state board of education;
- (b) board of public education;
- (c) board of regents of higher education; and
- (d) office of public instruction.

(2) The committee shall:

(a) ~~provide~~ review information and the final report to provided by the joint subcommittee on postsecondary education policy and budget established in subsection (3); ~~board of regents in the following areas:~~

- ~~(i) annual budget allocations;~~
- ~~(ii) annual goal statement development;~~
- ~~(iii) long-range planning;~~



- 1 ~~—— (iv) outcome assessment programs; and~~
- 2 ~~—— (v) any other area that the committee considers to have significant educational or fiscal policy impact;~~
- 3 ~~—— (b) periodically review the success or failure of the university system in meeting its annual goals and~~
- 4 ~~long-range plans;~~
- 5 ~~—— (c) periodically review the results of outcome assessment programs;~~
- 6 ~~—— (d) develop mechanisms to ensure strict accountability of the revenue and expenditures of the university~~
- 7 ~~system;~~
- 8 ~~—— (e) study and report to the legislature on the advisability of adjustments to the mechanisms used to~~
- 9 ~~determine funding for the university system, including criteria for determining appropriate levels of funding;~~
- 10 (b) review and approve any request for legislation relating to higher education proposed by the joint
- 11 subcommittee on postsecondary education policy and budget established in subsection (3) or proposed directly
- 12 by the board of regents;
- 13 ~~(f)(c)~~ act as a liaison between both the legislative and executive branches and the board of regents;
- 14 ~~(g)(d)~~ encourage cooperation between the legislative and executive branches and the board of regents;
- 15 ~~(h)(e)~~ promote and strengthen local government through recognition of the principle that strong
- 16 communities, with effective, democratic governmental institutions, are one of the best assurances of a strong
- 17 Montana;
- 18 ~~(i)(f)~~ bring together representatives of state and local government for consideration of common
- 19 problems;
- 20 ~~(j)(g)~~ provide a forum for discussing state oversight of local functions, realistic local autonomy, and
- 21 intergovernmental cooperation;
- 22 ~~(k)(h)~~ identify and promote the most desirable allocation of state and local government functions,
- 23 responsibilities, and revenue;
- 24 ~~(l)(i)~~ promote concise, consistent, and uniform regulation for local government;
- 25 ~~(m)(j)~~ coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly
- 26 and less competitive fiscal and administrative relationships between and among state and local governments;
- 27 ~~(n)(k)~~ review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through
- 28 1-2-116;
- 29 ~~(o)(l)~~ make recommendations to the legislature, executive branch agencies, and local governing bodies
- 30 concerning:

- 1 (i) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and  
2 uniform guidance and regulations for local government;
- 3 (ii) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between  
4 levels of government;
- 5 (iii) methods of coordinating and simplifying competitive practices to achieve more orderly administrative  
6 relationships among levels of government; and
- 7 (iv) training programs and technical assistance for local government officers and employees that will  
8 promote effectiveness and efficiency in local government; and
- 9 ~~(p)~~(m) conduct interim studies as assigned.
- 10 (3) The committee shall establish a permanent joint subcommittee on postsecondary education policy  
11 and budget. The joint subcommittee is composed of:
- 12 (a) two senators appointed by the legislative finance committee on a bipartisan basis;
- 13 (b) one senator and one member of the house of representatives appointed by the committee on a  
14 bipartisan basis;
- 15 (c) two members of the house appropriations committee appointed by the presiding officer of the house  
16 appropriations committee on a bipartisan basis;
- 17 (d) two regents appointed by the presiding officer of the board of regents; and
- 18 (e) a representative from the executive branch appointed by the governor.
- 19 (4) Legislative appointments to the joint subcommittee must be made before final adjournment of a  
20 regular session. All other appointments must be made prior to the first joint subcommittee meeting following  
21 adjournment of a regular session.
- 22 (5) Legislative appointments to the joint subcommittee are for 2 years. A legislative member of the joint  
23 subcommittee shall serve until the legislator's term of office is ended.
- 24 (6) Appointments of members of the board of regents to the joint subcommittee are for 2 years or until  
25 the expiration of the members' terms on the board of regents, whichever occurs first.
- 26 (7) The appointment of an executive branch representative to the joint subcommittee is for 2 years.
- 27 (8) A legislative vacancy occurring during a legislative session or when the legislature is not in session  
28 must be filled in the same manner as the original appointment. All other vacancies must be filled in the same  
29 manner as the original appointment. An appointment to fill a vacancy on the joint subcommittee under this  
30 section is for the unexpired term of the original member.

1           (9) The joint subcommittee shall select one of its legislative members as presiding officer and may elect  
2 other officers whom it considers necessary. A simple majority of the joint subcommittee constitutes a quorum  
3 to do business.

4           (10) Legislative members of the joint subcommittee are entitled to receive compensation and expenses  
5 as provided in 5-2-302. Compensation for members appointed by the legislative finance committee must be paid  
6 from the legislative fiscal division budget, with the remainder of legislative members' compensation to be paid  
7 from the legislative services division budget.

8           (11) Members of the joint subcommittee appointed by the board of regents must be reimbursed by the  
9 board of regents at a rate established by the board of regents for each day in which a member is actually and  
10 necessarily engaged in the performance of joint subcommittee duties and for travel expenses as provided in  
11 2-18-501 through 2-18-503.

12           (12) The legislative fiscal analyst shall serve as the lead staff in providing assistance to the joint  
13 subcommittee and may request assistance from the legislative services division as needed. The legislative fiscal  
14 analyst has the same authority of investigation and examination on behalf of the joint subcommittee as provided  
15 under 5-12-303.

16           (13) The joint subcommittee may organize and adopt rules to govern its proceedings.

17           (14) The joint subcommittee shall:

18           (a) adopt, and periodically review, statewide postsecondary education policy goals and accountability  
19 criteria and measurement standards to assess the success or failure of the university system in meeting the  
20 statewide postsecondary education policy goals;

21           (b) review information provided by the board of regents on annual budget allocations, long-range  
22 planning, and any other area that the joint subcommittee considers to have significant educational or fiscal policy  
23 impact;

24           (c) develop mechanisms to ensure strict accountability of all revenue and expenditures of the university  
25 system;

26           (d) study and report to the committee on the advisability of adjustments to the mechanisms used to  
27 determine funding for the university system, including criteria for determining appropriate levels of funding;

28           (e) act as a liaison between both the legislative and executive branches and the board of regents;

29           (f) encourage cooperation between the legislative and executive branches and the board of regents;

30           (g) conduct interim studies on its own or as assigned by the committee; and

1           (h) submit recommendations for legislation to the committee.

2           (15) As used in this section, "university system" means those units listed in 20-25-201."

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4           NEW SECTION. Section 2. Appropriations. (1) There is appropriated from the general fund to the  
5 legislative services division \$6,700 to fund the expenses of legislators appointed by the house appropriations  
6 committee and the education and local government interim committee to the education and local government  
7 interim committee joint subcommittee on postsecondary education policy and budget for the biennium beginning  
8 July 1, 2003.

9           (2) There is appropriated from the general fund to the legislative fiscal division \$3,300 to fund the  
10 expenses of legislators appointed by the legislative finance committee to the education and local government  
11 interim joint subcommittee on postsecondary education policy and budget for the biennium beginning July 1,  
12 2003.

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14           NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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